

# **TOWN OF WESTFORD**

## **PLANNING BOARD**

### **MINUTES**

**DATE:** February 23, 2004

**TIME:** 7:00 P.M.

**PLACE:** Westford Academy Choral Room

**PRESENT:** Peter Fletcher, Michael Green, Robert Shaffer, Fred Palmer

**ABSENT:** Andrea Peraner-Sweet

#### **OTHERS**

**PRESENT:** Tim Greenhill-Town Planner, Norman Khumalo-Assistant Town Manager, Richard Barrett-Highway Superintendent, James Arsenault-Town Engineer, Members of the Board of Selectmen: Christopher Romeo, Robert Jefferies, Dini Healy-Coffin, Allan Loiselle, James Silva, Audience Members

#### **OPEN FORUM**

Green asked Greenhill to invite the owners of the Texaco gas station on Route 40 to a meeting to discuss drainage issues and the possible violation of the site plan. Green reported that water is running from the site onto an abutting property. Barrett stated that the runoff is also causing an icing problem.

#### **MOTION TO GO INTO EXECUTIVE SESSION**

Shaffer recused himself as he is an abutting landowner. **It was moved by Green, seconded by Palmer, and VOTED 3 IN FAVOR WITH 1 RECUSAL (Shaffer), and 1 ABSENT (Peraner-Sweet), to go into Executive Session at 7:05 p.m. for the purpose of discussing Rome Drive.** The Board of Selectmen, Greenhill, Khumalo, Barrett, Arsenault and Ellen Callahan Doucette, Town Counsel, to also attend. The Board to reconvene at the end of the executive session to continue the remaining agenda items.

**DISCUSSION ITEM – MAGNOLIA DRIVE ROTARY – JOINT BOARDS**

Barrett showed a plan of the Hitchin' Post Greens II subdivision pertaining to Magnolia Drive. Barrett stated that there are two entrances into the homes at the end of the project (one from Magnolia Drive and one from Indigo Lane). Barrett stated that Magnolia Drive is a collector road for other roads in the subdivision and is 27 foot wide and currently goes into a cul-de-sac. Barrett stated that the street has been extended with a 22 foot wide road to service additional house lots. Barrett stated that during the process of Planning Board review he made a recommendation of leaving the cul-de-sac bulb in place and creating a traffic rotary (for a form of traffic calming). Barrett believed that the traffic would be slowed by braking and going around the cul-de-sac and then entering the 22 foot roadway. Barrett asked to leave the center of the rotary as a grassed area. Barrett stated that Magnolia Drive is under the jurisdiction of the Board of Selectmen. Arsenault reported that a boulder has been removed from the cul-de-sac. Arsenault suggested curbing, some landscaping and signage to define the island and slow the traffic.

Jane Mazzucotelli, 42 Magnolia Drive, stated that most people slow down to make the turn. Mazzucotelli felt that the narrowing of the road makes traffic slow down but the rotary area is open and most of the traffic does not slow in that area. Mazzucotelli observed a car recently driving through the center of the rotary. Mazzucotelli suggested narrowing a section of the road and adding a sidewalk which would slow the traffic and make it safer for the children in the neighborhood.

Francis Mazzucotelli, 42 Magnolia Drive, stated that from the rotary there is only a half of a lot distance to the next road and drivers must stop there. Mazzucotelli felt that it did not make sense to have a rotary before that road.

Tony Janeczek, 1 Indigo Lane, felt that with the removal of the Greenbriar traffic circle the traffic slows down due to the narrower road. Janeczek was concerned that traffic will continue to drive over the island after the curbing is installed. Janeczek felt that the traffic rotary should be removed.

The Planning Board and the Selectmen discussed the traffic, the costs associated with roadway improvements, and sidewalks.

A resident stated that the original plans did not call for a sidewalks and a sidewalk in front of her house would give the appearance of being at her front door. The resident questioned the purpose for a sidewalk that would not be used.

Romeo asked if roadway improvements could be done by a betterment. Fletcher noted that the road is under the Board of Selectmen's jurisdiction and improvements could be done with betterments.

Fletcher suggested that when Robert Hicks comes before the Board for a road opening permit for Concord Road and Route 225, the Board could ask him to straighten the road and install a sidewalk. Green stated that there seemed to be a site distance concern with the cul-de-sac bulb and safety issues with the two driveways. Green stated that the traffic calming measure suggested by Barrett would work. Green also recognized the safety concerns addressed by the residents. Green pointed out that either way there were associated costs. Green stated that the Planning Board may have additional discussions with the developer building Hitchin' Post Greens II. Green stated that the Boards need to agree technically on the best solution and how to pay for it.

The Board of Selectmen left the meeting at 8:20 p.m.

### **ANR – 28 BOSTON ROAD**

*Carol and Michael Avery, 28 Boston Road*

**It was moved by Green, seconded by Palmer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to endorse the ANR plan but make no determination as to zoning.**

### **PUBLIC HEARING – CHANGES TO SUBDIVISION RULES AND REGULATIONS 2003/2004**

*Public Hearing Continued from January 12, 2004*

Greenhill reported that the Board made some suggestions at the December 15, 2003. All recommendations made by Town Counsel have been incorporated into the changes as well the changes from the Planning Board. Greenhill referenced letters from Attorney Paul Alphen and responses from Town Counsel. The Board reviewed the document entitled "*PROPOSED PLANNING BOARD/SUBDIVISION CHANGES 2003 Prepared by the Highway/Engineering Department*" dated 02/20/04.

#### **Section 218-26 General Provisions:**

The Board made the following revisions on page 11 of 14 of the above-mentioned document: Street Acceptance ..., plus \$0.25...; Bond Establishment ..., plus \$0.30...; Bond Adjustment...plus \$0.15...; and Bond Release..., plus \$0.15...

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), that the Planning Board approve the following Fee Schedule Updates for Subdivisions for FORM A (ANR Plan) \$200.00 Per Lot; FORM A Moving Interior Lot Line on Already Approved Plan \$100.00 Per Lot; FORM B (Preliminary Subdivision) Residential (Conventional or Open Space) \$600.00 Per Lot; Non Residential \$6.00 Per Linear Foot of Roadway;**

**FORM C (Definitive Subdivision) Residential (Conventional or Open Space) \$1900.00 Per Lot\* (\*Less amount of filing fee paid during the preliminary subdivision plan stage); FORM C Non Residential \$19.00 Per Linear Foot of Roadway\* (\*Less amount of filing fee paid during the preliminary subdivision plan stage).**

Shaffer questioned whether the language “*\*Less amount of filing fee paid during the preliminary subdivision plan stage*” was correct being mentioned twice particularly with a mixed use subdivision. Fletcher pointed out that currently there are no provisions within the bylaw for a mixed use subdivision. Fletcher suggested that the Board would have to make the decision to charge on a per lot basis or linear foot basis.

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), that the Planning Board approve the fee updates for the following Fee Categories in the Subdivision Rules and Regulations: Street Acceptance Revised Fee \$2000.00 per Street, Plus \$0.25 Per Linear Foot in Excess of 1,000 Feet; Bond Establishment \$800.00 Flat Fee Up to 1,000 Linear Feet of Roadway, Plus \$0.30 Per Linear Foot in Excess of 1,000 Feet; Bond Adjustment \$400.00 Flat Fee Up to 1,000 Linear Feet of Roadway Adjusted Plus \$0.15 Per Linear Foot Adjusted in Excess of 1,000 Feet; Bond Release \$600.00 Flat Fee Up to 1,000 Linear Feet of Roadway Adjusted Plus \$0.15 Per Linear Foot Adjusted in Excess of 1,000 Feet; and Administrative Review to Approved Plans \$300.00.**

The Board discussed clarifying the filing fee for Site Plan Review (including Special Permit PCD and PID).

**It was moved by Shaffer, seconded by Green, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to adopt the filing fees for Site Plan Review which includes Special Permits, Planned Commercial Developments and Planned Industrial Developments as follows: The filing fee for Site Plan Review with Structures as be as follows: Filing Fee for Sites Up to 1,000 gross square feet shall have a fee of \$3,000.00; for a Site Plan that has an excess of 1,000 gross square feet up to and including 20,000 gross square feet the fee shall be \$3,000.00 plus \$100.00 per 1,000 gross square feet in excess of 1,000 square feet; The fee for a Site Plan in excess of 20,001 gross square feet up to 75,000 additional gross square feet the fee shall be equal to \$4,900.00 plus \$50.00 per 1,000 gross square feet in excess of 20,000 square feet; and The fee for a Site Plan Review with structures that has 75,001 gross square feet or more the fee shall be \$7,650.00 plus \$25.00 per 1,000 gross square feet in excess of 75,000 gross square feet; for a Plan principally without structures the filing fee shall be \$1,000.00 and additional fees of \$300.00 shall be charged for each additional 40,000 square feet of gross land area.**

The Board discussed the filing fees for special permits. The Board revised Townhouse/Multifamily to *Senior Residential/Multifamily Development*. Staff to provide fee information for Mill Conversion for the Board's review.

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to update the Fee Schedule for Planned Commercial Developments and Planned Industrial Developments to See Site Plan Review Fees; For Common Driveways \$1,250.00 plus \$100.00 per lot served; Earth Removal Fee \$850.00 up to first 5,000 cubic yards, \$75.00 additional per each 1,000 yards above 5,000 cubic yards; Water Resource Protection District Special Permit \$300.00; All other Special Permits – Residential \$300.00, Commercial/Industrial \$500.00.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to NOT update the fee for Planned Commercial Development and Planned Industrial Development.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to reconsider the vote on Form A, B, and C, Subdivision Fees.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to update the Subdivision Filing Fees for FORM A ANR Plan to \$200.00 per lot; Moving Interior Lot Line on Already Approved Plan to \$100.00 per lot; FORM B Preliminary Subdivision Residential (Conventional or Open Space) to \$600.00 per lot; Non Residential \$6.00 per linear foot per roadway; FORM C (Definitive Subdivision) Residential (Conventional or Open Space) \$1900.00 per lot\* (*\*Less amount of filing fee paid during the preliminary subdivision plan stage*); Residential Flexible Development or Senior Residential Multi-family \$600.00 per unit; Non Residential \$19.00 per linear foot of roadway\* (*\*Less amount of filing fee paid during the preliminary subdivision plan stage*).**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to strike the Townhouse/Multifamily Development fee from the Fee Schedule.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to establish fees for Special Permit for Senior Residential Multifamily Development Fees \$1500.00 minimum filing fee additional \$300.00 per unit fee; excluding affordable and age-restricted units.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to update the Fee Schedule Special Permit for Open Space Residential Development Use Form B and C fees.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to update the Fees for Special Permit Assisted Living Facilities to Use Site Plan Review fees.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to update the Fees for Special Permit Application Fees for Flexible Development based on the number of units in development excluding affordable, bonus and age-restricted bonus units, fee to be \$1500.00 minimum filing fee, additional \$300.00 per unit fee.**

**It was moved by Green, seconded by Palmer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to update the Fees for application fees Special Permits for the Mill Conversion Overlay District Special Permit, fees to be first 25 units \$300.00 per unit, additional units over 25 units \$175.00 per unit excluding affordable and age-restricted units.**

**It was moved by Green, seconded by Palmer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to update the fee schedule Special Permit Application Fees Planned Commercial Developments, Planned Industrial Developments and Major Commercial Projects Filing Fee of \$5,000.00.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to accept the updates to Section 218-26 of Subdivision Approved Regulations General Provisions: Sections A., B., C., and D., as noted in Staff document dated 02/20/04.**

**It was moved by Shaffer, seconded by Palmer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to accept Sections F., G., H., and I., of Section 218-26 as documented in a Staff Report dated 02/20/04.**

**It was moved by Green, seconded by Shaffer, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to add the following text to the Westford Planning Board Rules and Regulations from Staff document dated 02/20/04, as amended here this evening, starting on Page 9 of 14 under General Provisions incorporate the text lettered A, B, C, D, E, as amended here this evening for Site Plan Review, and following onto Page 11 of 14 item F, following onto Page 12 of 14 the balance of item F, items G, H, and I, ending on Page 13 of 14.**

The public hearing for the Subdivision Rules and Regulations changes was continued to March 1, 2004 at 8:00 p.m.

### **ADJOURNMENT**

**It was moved by Shaffer, seconded by Green, and VOTED 4 IN FAVOR WITH 1 ABSENT (Peraner-Sweet), to adjourn the meeting.**

